IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (LODG.) NO.357 OF 2003

The Commissioner of Income tax ..Appellant.

V/s.

The Industrial Credit & Investment Corporation of India Ltd. ..Respondent.

Mr.A.N.Kotangale for appellant.

Mrs.Aarti Vissanji with Mr.S.J.Mehta for respondent.

CORAM : H.L.GOKHALE AND J.P.DEVADHAR, JJ.

DATED : 14TH NOVEMBER, 2006.

P.C. :-

Appeal taken up on board. Heard Mr. Kotangale in support of motion. Mrs.Vissanji appears for respondent. Appeal raises following questions of law:-

1) Whether on the facts and in the circumstances of the case and in law, the Tribunal is justified in allowing the appeal of the assessee in respect of the expenses incidental to the dividend income which was claimed on as exempted u/s.80M of the Act ?

2) Whether on the facts and in the circumstances of the case and in law, the Tribunal is juswtified in allowing the appeal of the assessee in respect of the long term capital loss ?

3) Whether on the facts and in the circumstances of the case and in law, the Tribunal is justified in allowing the appeal of the

assessee in respect of deduction claimed u/s.32AB of the Act ?

4) Whether on the facts and in the circumstances of the case and in law, the Tribunal is justified in allowing the appeal of the assessee in respect of interest for the broken period in connection with the purchased of RBI securities ?

5) Whether on the facts and in the circumstances of the case and in law, the Tribunal is justified in allowing the appeal of the assessee in respect of the addition on account of the interest accrued on sticky loans ?

2. Ouf ot these five quedtions, the second question is not being pressed by the revenue. The other four questions are covered by the Judgments in favour of the assessee. The said fact is not disputed by the revenue.

3. So far as the first question is concerned, it is covered by the judgment in the case of **C.I.T. V/s. General Insurance Corporation of India** reported in **254 I.T.R. 203**.

4. The third question regarding deduction claimed under section 32AB is decided in favour ofthe assessee by the Division Bench of order in Income Tax Appeal (L) No.255 of 2003 decided on 1st August, 2006 in the case of C.I.T. V/s. ICICI Bank Ltd.

5. The fourth question in respect of interest

of broken period is also decided in favour of the assessee in case of **American Express International Banking Corporation V/s. C.I.T. 258 I.T.R. 601 and the** last question of addition on account of the interest accured isalso decided in favour of the assessee in the case of **C.I.T. V/s. ICICI Ltd.** reported in **189 I.T.R. 126**. This being the position, there is no reason for entertain this appeal.

6. Appeal is dismissed.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)